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C O N F I D E N T I A L KUWAIT 005262

SIPDIS

STATE FOR D, NEA/FO, NEA/ARP, NEA/NGA, IO/UNP  
GENEVA FOR STONECIPHER  
LONDON FOR GOLDRICH  
PARIS FOR OFRIEL

E.O. 12958: DECL: 12/04/2012

TAGS: [PREL](#) [KPOW](#) [I2](#) [KU](#) [ICRC](#)

SUBJECT: (C) GULF WAR MISSING: IRAQ FORMALLY ACCEPTS TPC  
PROPOSAL

REF: A) KUWAIT 5236 AND PREVIOUS B) USUN 2969

Classified By: (U) AMBASSADOR RICHARD H. JONES; REASON 1.5 (B, D)

1. (C) ICRC sent us a copy December 4 of a Note Verbale that its office in Baghdad had received the same day from the Iraqi Foreign Ministry, accepting the Tripartite Commission (TPC) proposal to suspend the TSC quorum rule for four months. (ICRC's informal translation from Arabic follows at paragraph 2.) ICRC Regional Delegate told PolChief that his headquarters will move swiftly to convene an extraordinary session of the full TPC in Geneva, whose sole agenda item will be the formal approval of the proposal. Meyer expected this meeting would take place within "one or two weeks."

2. (C) Meanwhile, the Deputy Chairman of Kuwait's National Committee for Missing and POW Affairs (NCMPA), Dr. Ibrahim Shaheen, told the Ambassador that Kuwait would insist on playing the Geneva meeting by the book: the Iraqis could choose to be represented by whomever they pleased, but the Kuwaitis would send their usual TPC delegation, and counted on the other members' ambassadors who normally attend from Kuwait to be there as well.

3. (C) ICRC's informal translation of the Iraqi note from the original Arabic is as follows:

BEGIN TEXT:

No. 7/6/1/4/68181  
Date: 22/Ramadan/1423  
27.11.2002

The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Delegation of the International Committee of the Red Cross in Baghdad. Reference is made to the Delegation's Note NO. BAG 02/2686 of 31.10.2002 and to the meeting of 26.11.2002 between Head of the Legal Department in this Ministry and Mr Marcus Dolder, Head of Delegation. The Ministry has the honour to inform it that the Iraqi Government has agreed on the proposal subject-matter of the above-mentioned Note concerning the suspension of the Rule on Legal Quorum of the Technical Subcommittee (Rule No.8). The Ministry would like to emphasise, with a benefiting aim, that it is specially important to extend the suspension period for more than four months. The Ministry would also like to express its hope that the ICRC would undertake every possible effort to extend the above-mentioned period of time with a view to achieving further progress in the process of tracing the fate of Iraqi and Kuwaiti missing persons.

The Ministry avails itself of this opportunity to convey to the Delegation of the International Committee of the Red Cross its utmost appreciation and respect.  
END TEXT.

4. (C) COMMENT: This Iraqi action, foreshadowed ref A, is not quite what ref B reports that UN High-Level Representative Vorontsov intends to put in his upcoming report. Ref B paragraph 3, fourth tick quotes the Vorontsov report as mentioning "Iraq's decision to participate in the Technical Sub-Committee of the Tripartite Commission, even if U.S. and UK representatives were present." In fact, what Iraq has accepted, implicitly, is to participate in some manner in a meeting of the full TPC, and then in TSC meetings with only two other TPC members (almost certainly Kuwait and Saudi Arabia).  
RJONES